

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

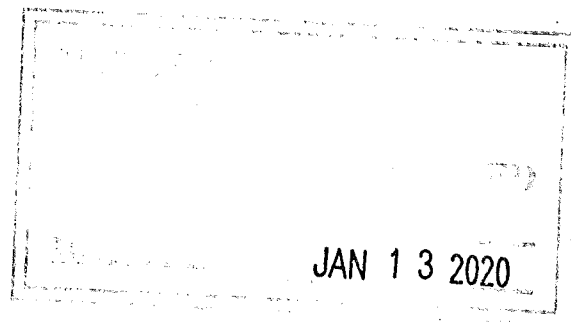
Marcio Uhalde,

Plaintiff,

—v—

Roadway Moving & Storage, Inc.,

Defendant.



18-cv-9962 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On December 5, 2019, the Court ordered the parties to submit the written status update that was due November 23, 2019 by December 11, 2019. *See* Dkt. No. 42.

On December 6, 2019, Defendant filed a letter informing the Court that “[s]ince the date of the Court’s order dated May 23, 2019 . . . compelling Plaintiff to arbitrate its claims, Plaintiff has neither pursued its claims nor pursued arbitration.” Dkt. No. 43. Defendant further informed the Court that it has not heard from Plaintiff’s counsel for over six months. *Id.*

On December 19, 2019, the Court ordered Plaintiff to respond to Defendant’s December 6 letter by December 23, 2019. Dkt. No. 44. In that Order, the Court advised Plaintiff that failure to comply with the Court’s Order may result in his claim being dismissed with prejudice for failure to prosecute. *Id.*

On December 23, 2019, the Court received a letter from the Ottinger Firm stating that it no longer represents Plaintiff but had provided him with the Court’s December 5 and December 19 Orders and subsequently reminded him of the Court’s December 23 deadline. Dkt. No. 45.

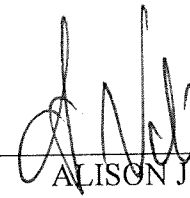
As of the date of this Order, the Court has not received any response from Plaintiff to Defendant’s December 6 letter. Plaintiff shall provide such response by January 31, 2020.

The Court again advises Plaintiff that failure to comply with this Order may result in his claim being dismissed with prejudice for failure to prosecute. *See Baptiste v. Sommers*, 768 F.3d 212, 216 (2d Cir. 2014) (“Rule 41(b) of the Federal Rules of Civil Procedure authorizes the district court to dismiss an action ‘[i]f the plaintiff fails to prosecute or to comply with [the] rules or a court order.’”).

Plaintiff’s counsel is ordered to serve this Order on Plaintiff and file proof of service on the public docket by January 17, 2020. Furthermore, if Plaintiff’s counsel indeed no longer represents Plaintiff, he shall submit a notice of withdrawal pursuant to Local Rule 1.4 by January 17, 2020. In that notice of withdrawal, he shall provide the Court with Plaintiff’s current address.

SO ORDERED.

Dated: January 10, 2020  
New York, New York

A handwritten signature in black ink, appearing to read 'Alison J. Nathan', is written over a horizontal line.

ALISON J. NATHAN  
United States District Judge